

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street  
Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)



In the matter of: AB 1103 Commercial	)	Docket No. 12-AB1103-01
Building Energy Use Disclosure Program	)	
Rulemaking, California Code of	)	RE: Possible Adoption of Proposed
Regulations, Title 20, Proposed Sections	)	Regulations
1680-1685	)	
	)	

## **Notice of Hearing for Possible Adoption**

### **Notice of Changes to Proposed Regulations, Additional Documents Relied Upon, and Notice of 15-Day Comment Period**

#### **Nonresidential Building Energy Use Disclosure Program**

The California Energy Commission will conduct a hearing to consider adoption of the proposed regulations for the Nonresidential Building Energy Use Disclosure Program, mandated pursuant to AB 1103 (Saldaña, 2007) on:

**July 11, 2012**

10:00 a.m.

CALIFORNIA ENERGY COMMISSION

1516 Ninth Street

1st Floor, Hearing Room A

Sacramento, California

Wheelchair Accessible

Remote Access Available by Computer or Phone via WebEx™  
(Instructions below)

Concurrent with this notice, the Energy Commission is publishing changes to the text of the proposed regulations that were previously made available for the 45-Day public comment period ending May 9, 2012. The changes, known as 15-Day Language, are now available on the Energy Commission's AB 1103 proceeding webpage in underline/strikeout format. In addition to the 15-Day Language, the Energy Commission is identifying additional documents it is relying upon for potential adoption of the regulations. These documents will be available on the Energy Commission's AB 1103 webpage and upon request, starting no later than June 26, 2012.

## **Background**

The proposed regulations would add sections 1680 et seq. to Title 20, Division 2, Chapter 4 (Energy Conservation). The proposed regulations implement, interpret, and make specific Public Resources Code, Section 25402.10, regarding benchmarking and energy use disclosure procedures of nonresidential buildings in advance of major financial transactions. On March 23, 2012, the Energy Commission published the Notice of Proposed Action (NOPA)<sup>1</sup> for the AB 1103 proposed regulations in the California Regulatory Notice Register and published the proposed regulations, also known as express terms or 45-Day language, on its website and in mailings to interested persons, representative small businesses, and utilities.

This Notice of Hearing serves as the “separate notice of the adoption hearing for the 15-Day Language” as stated in the NOPA and authorized by Government Code, Section 11346.8. The 15-Day language and related documents can be obtained from the contact persons designated below or from the Energy Commission website at: <http://www.energy.ca.gov/ab1103/rulemaking/documents/index.html>.

## **CEQA Exemptions**

Energy Commission staff has determined that exemptions to the California Environmental Quality Act (CEQA) apply to the adoption of these proposed regulations. The proposed regulations concern building maintenance activities involving “no or negligible expansion of use” as specified by Section 15301, Title 14 of the California Code of Regulations. Additionally, the proposed regulations would not have a significant effect on the environment as specified by Section 15061, Title 14 of the California Code of Regulations. The proposed regulations will not create an adverse effect on the environment because the actions taken to comply chiefly consist of benchmarking in the U.S. EPA ENERGY STAR® Portfolio Manager program, and making disclosures to prospective buyers, lessees, and lenders. By increasing awareness of energy use and providing motivation to make nonresidential buildings more energy efficient, the regulations will have a beneficial effect on the environment.

If the Energy Commission adopts the proposed regulations, the Energy Commission will file a Notice of Exemption with the Office of Planning and Research.

## **Public Comment**

Public comment on the 15-Day Language and additional documents relied upon may be made from June 26, 2012 through the time of adoption on July 11, 2012.

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<sup>1</sup> [http://www.energy.ca.gov/ab1103/rulemaking/notices/2012-04-16\\_Notice\\_of\\_Proposed\\_Action.pdf](http://www.energy.ca.gov/ab1103/rulemaking/notices/2012-04-16_Notice_of_Proposed_Action.pdf)

Written comments should be submitted to the Dockets Unit. The Energy Commission encourages comments to be submitted by e-mail for attachments up to 5 MB. Please include your name and any organization name. Comments should be in a downloadable, searchable format such as Microsoft® Word (.doc) or Adobe® Acrobat® (.pdf). Please write “AB 1103 Rulemaking, Docket No. 12-AB1103-01” in the subject line of the e-mail, and send to: [docket@energy.ca.gov](mailto:docket@energy.ca.gov).

If you prefer, you may send a paper copy of your comments to:

California Energy Commission  
Dockets Office, MS-4  
Re: Docket No. 12-AB1103-01  
1516 Ninth Street  
Sacramento, CA 95814-5512

The Energy Commission will accept oral comments during the hearing on July 11, 2012. Comments may be limited to three minutes per speaker.

All comments will become part of the public record of this proceeding. Oral comments will be available in the hearing transcript and recording on the Energy Commission website for the July 11 business meeting. Additionally, written comments may be posted to the Energy Commission's website for the proceeding.

### **Public Adviser and Other Energy Commission Contacts**

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or (916) 654-4489 (toll free at (800) 822-6228).

If you have a disability and require assistance to participate, please contact Lou Quiroz at [Lou.Quiroz@energy.ca.gov](mailto:Lou.Quiroz@energy.ca.gov) or (916) 654-5146 at least five days in advance of the hearing.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

If you have questions on the subject matter of this proceeding, please contact Project Manager Justin Regnier at [Justin.Regnier@energy.ca.gov](mailto:Justin.Regnier@energy.ca.gov) or (916) 654-4196.

If you have legal questions about this proceeding, please contact Staff Counsel Robin Mayer at [Robin.Mayer@energy.ca.gov](mailto:Robin.Mayer@energy.ca.gov) or (916) 651-2921.

## Remote Attendance

You may participate in this meeting through WebEx, the Energy Commission's online meeting service. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

### To join a meeting:

VIA COMPUTER: The Business Meeting is broadcast via WebEx, the Energy Commission's on-line meeting service. To listen to the meeting and view any presentations, please click the following link or paste it into your browser:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=924832820>

You may also go to <https://energy.webex.com/ec> and enter Meeting Number **924 832 820**. The meeting password is **mtg@10am**.

VIA TELEPHONE: To participate by telephone, please call toll free 1-888-823-5065 on Business Meeting days after 10:01 a.m. (PDT). The pass code for the meeting is "Business Meeting" and the call leader is Jerome Lee. If you plan to speak on a specific item, please give the operator the item number.

To avoid occasional technical problems with the Commission's telephone link, the Commission recommends that a written comment also be submitted either by facsimile or e-mail to the Public Adviser by 5 p.m. two days before the scheduled business meeting. Fax (916) 654-4493 or e-mail [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

VIA MOBILE ACCESS: Access to WebEx meetings is now available from your mobile device. To download an app, go to [www.webex.com/overview/mobile-meetings.html](http://www.webex.com/overview/mobile-meetings.html).

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239.

## Availability of 15-Day Language and Documents

Changes to the express terms (15-Day Language), along with other documents and presentations on this matter, are available on the Energy Commission's website at: <http://www.energy.ca.gov/ab1103/rulemaking/documents/index.html>.

Documents in the rulemaking file are also available from the Energy Commission's Dockets Office. For copies please contact:

CALIFORNIA ENERGY COMMISSION  
Dockets Office  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512  
(916) 654-5076  
[docket@energy.ca.gov](mailto:docket@energy.ca.gov)

DATE: June 13, 2012

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ROBERT B. WEISENMILLER  
Chair

Listserv: Efficiency, AB 1103 Listservs; AB 1103 Rulemaking Commenters;  
Representative Small Business & Municipal Utilities